

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:17-00060

JAMIE EDWARD SMITH

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 10, 2020, the United States of America appeared by Nicholas Miller, Assistant United States Attorney, and the defendant, Jamie Edward Smith, appeared in person and by his counsel, Gerald M. Titus, III, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year (3) term of supervised release in this action on November 29, 2019, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 1, 2018.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant, on June 4, 2020, committed two felony violations of West Virginia state law in that defendant fled in a vehicle from a law enforcement officer after the officer had given a clear visual signal directing him to stop, whereupon he operated that vehicle with reckless indifference to the safety of others, which included him moving his vehicle at speeds of 90 miles per hour at some points, and on that same day the defendant was in possession of a vehicle which he knew or had reason to believe had been stolen; (2) the defendant used and possessed controlled substances as evidenced by the fact that on December 4, 2019, he tested positive for buprenorphine and admitted his use of Suboxone a few days prior, on December 9, 2019, he admitted to the probation officer his use of Suboxone a few days prior, on January 15, 2020, he admitted to the probation officer his use of Suboxone two days prior and that he was using one-half of a strip of Suboxone every other day, on February 10, 2020, he tested positive for buprenorphine and opiates and admitted to the probation officer his use of one Subutex pill approximately three days prior and

two Percocet pills approximately two days prior without having a prescription for either substance, on March 10, 2020, he tested positive for methamphetamine, codeine, and morphine, and on March 12, 2020, he tested positive for methamphetamine, cocaine, codeine, morphine, and oxycodone; (3) the defendant failed to attend substance abuse counseling sessions at the rate of two sessions per month as directed by the probation officer and which he began December 9, 2019, but has not attended any sessions after December 9, 2019; and (4) on March 10, 2020, the defendant was directed by the probation officer to participate in two urine samples per month in which he participated on March 12, 2020, but failed to participate thereafter; all as set forth in the petition on supervised release and amendment thereto, and by the court's findings on the record of the hearing.

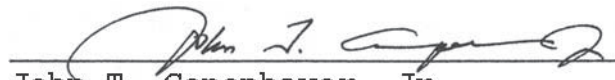
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the same terms and standard conditions as heretofore, with the exception of the special condition as it relates to his participation at the Dismas Charities, Inc., residential reentry center in Saint Albans, West Virginia, and to include the special condition that he participate in and successfully complete a nine to twelve month residential drug treatment program such as Recovery Point or Recovery "U," as designated by the probation officer, where the defendant shall follow the rules and regulations of the facility, and that he commence the program by proceeding directly from his place of incarceration to the residential program.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 11, 2020



John T. Copenhaver, Jr.
Senior United States District Judge